

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERTO SANTIAGO RAMIREZ,

Petitioner,

v.

SPEARMAN, Warden,

Respondent.

Case No. 14-CV-2110-VC

ORDER TO SHOW CAUSE

Doc. no. 5

Roberto Santiago Ramirez, a state prisoner incarcerated at the California Training Facility in Soledad, has filed a *pro se* habeas petition pursuant to 28 U.S.C. § 2254, challenging the execution of his sentence as a violation of the Eighth Amendment's prohibition against cruel and unusual punishment. Ramirez has paid the \$5.00 filing fee. Therefore, his motion for leave to proceed in forma pauperis is denied as moot.

Good cause appearing, the Court hereby issues the following orders:

1. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk also shall serve a copy of this Order on Ramirez at his current address.
2. No later than sixty days from the date of this Order, Respondent shall file with this Court and serve upon Ramirez an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the Answer all portions of the state record that have been transcribed previously and are relevant to a determination of the issues presented by the petition. If Ramirez wishes to respond to the Answer, he shall do so by filing a Traverse with the Court and serving it on Respondent within thirty days of his receipt of the Answer. If he does not do so, the petition

1 will be deemed submitted and ready for decision on the date the Traverse is due.

2 3. No later than sixty days from the date of this Order, Respondent may file with this
3 Court and serve upon Ramirez a motion to dismiss on procedural grounds in lieu of an Answer, as
4 set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases.
5 If Respondent files such a motion, Ramirez shall file with the Court and serve on Respondent an
6 opposition or statement of non-opposition to the motion within thirty days of receipt of the
7 motion, and Respondent shall file with the Court and serve on Ramirez a reply within fourteen
8 days of receipt of an opposition.

9 4. It is Ramirez' responsibility to prosecute this case. He must keep the Court
10 informed of any change of address by filing a separate paper with the Clerk headed "Notice of
11 Change of Address," and must comply with the Court's orders in a timely fashion. He also must
12 serve on Respondent's counsel all communications with the Court by mailing a true copy of the
13 document to Respondent's counsel.

14 5. Extensions of time are not favored, though reasonable extensions will be granted.
15 Any motion for an extension of time must be filed no later than ten days prior to the deadline
16 sought to be extended.

17 6. The motion to proceed in forma pauperis is denied as moot.

18 7. This Order terminates docket number 5.

19 **IT IS SO ORDERED.**

20 Dated: August 15, 2014



VINCE CHHABRIA
United States District Judge